

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EDWARD R. FINLEY and REBECCA M.
FINLEY,

Plaintiffs,

v.

JAY I. LIPOFF and UNITED STATES OF
AMERICA,

Defendants.

Case No. 09-cv-583-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Defendants Motion to Dismiss or, in the Alternative, Motion for Summary Judgment (Doc. 5). Defendants contend that Plaintiffs have failed to exhaust their administrative remedies as required by the Federal Tort Claims Act. 28 U.S.C. § 2675(a). Plaintiffs concede they must exhaust their administrative remedies as a prerequisite to filing suit. Plaintiffs concede they have failed to do so, and consent to dismissal of this action without prejudice. Therefore, the Court **GRANTS** the Motion to Dismiss (Doc. 5) and **DISMISSES** this case without prejudice.

IT IS SO ORDERED.

DATED: August 11, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE